

ORIGINAL

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, HI 96813
Phone: (808) 533-7491

Attorney for Silver Jose Galindo

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
AUG 21 2007
at 8:00 o'clock and 09 min. M.
SUE BEITIA, CLERK

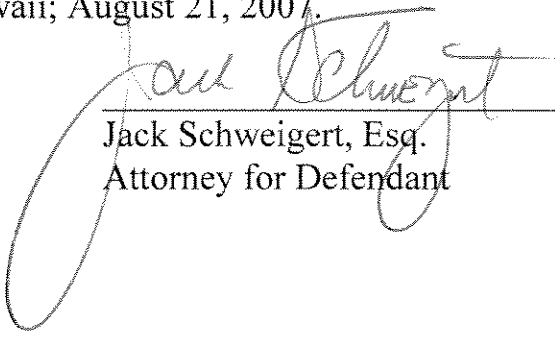
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 04-00053 DAE
)
Plaintiff,)
)
) DEFENDANT'S FIRST AMENDED
) PROPOSED VOIR DIRE;
vs.) CERTIFICATE OF SERVICE
)
SILVER JOSE GALINDO,)
)
)
Defendant.)
) TRIAL: July 10, 2007
)

DEFENDANT'S FIRST AMENDED PROPOSED VOIR DIRE

COMES NOW DEFENDANT SILVER JOSE GALINDO by and through
counsel and submits the attached Defendant's First Amended Proposed Voir Dire
which supercede those previously submitted June 20, 2007.

DATED: Honolulu, Hawaii; August 21, 2007.



Jack Schweigert, Esq.
Attorney for Defendant

PROPOSED VOIR DIRE QUESTIONS

1. Would you be prejudiced in any way against a person who has in the past been convicted of a felony? Please explain.

2. Have you or any of your family members used illegal drugs like methamphetamine, cocaine, heroin, etc. Based on that experience could you be fair to a defendant who is accused of using these kinds of drugs? Similarly, based on that experience, could you be fair to a defendant possessing those kinds of drugs with the intent to distribute them?

3. Have you or anyone in your family suffered from drug abuse? Please explain. Do you believe this experience would impair your ability to be fair to a defendant accused of using illegal drugs?

4. Do you know the concept of blacking out from drug use? Have you or anybody you know ever suffered from blackouts, from use of drugs or alcohol? Please explain.

5. Are you alarmed by the term "firearm"? Are you alarmed by the term "felon"? Would you be able to fairly sit in judgment of a felon accused of possessing a firearm?

6. What are your feelings about possession of a firearm? Do you feel this is something the government should not be allowed to interfere with? Do you think people should be prosecuted for gun possession?

7. Would you be able to be fair when sitting in judgment of a convicted drug dealer who is testifying against a Defendant as part of a plea bargain that may get him a reduced sentence?

8. Do you believe a person convicted of drug dealing could make up a story against another person in the hopes of reducing their own jail time?

9. Do you believe the American system of justice which directs the government to have the burden of proof which does not ever change throughout the trial of his matter asks too much of the government?

10. Do you believe the American system of justice which directs in criminal trial the government's burden of proof is beyond a reasonable doubt? Do you feel this burden asks too much of the government?

11. Do you understand that a jury verdict in a criminal case must be unanimous among all jurors on each element of each count before the jury can find the Defendant guilty of any count? Do you think that this burden asks too much of the government?

12. Would you be able in deliberating to hold to your convictions, even though you may be the only juror holding this opinion. Would you be able to explain why

you hold this opinion and "stick to your guns" until and unless shown by fellow jurors why your opinion is unreasonable?

13. Would you be able to be fair to a Defendant on judging his innocence or guilt on each and every count despite the fact he has been charged with 8 criminal counts?

14. Will be unduly influenced by the fact that the Defendant has been indicted on 8 counts? Will be willing to accept an instruction from the judge that an indictment is not evidence of a crime and cannot be considered by you in your juror deliberations? Will you be able to set aside the fact that the Defendant has been indicted in your deliberation in this case?

15. Do you enjoy watching TV crime shows involving forensics such as CSI New York, Las Vegas, or Miami? Please identify your feelings about watching these kinds of shows?

16. Although the Court will instruct you on the term "reasonable doubt," would you be able to find reasonable doubt based on the failure of government to present evidence you believe needed to resolve your deliberation on the innocence or guilt of the Defendant?

17. Can you accept the American principle of justice that people charged with crimes are presumed innocent? Do you understand that this is not a mere slogan, but a

fundamental principle of our system of justice and a Defendant does not have to testify or give any evidence to prove his innocence. Do you feel this is too high a burden of proof for the government to meet?

18. Do you understand you have a great responsibility to preserving our system of justice by acting as a juror in this case? Notwithstanding, are there any of you that have commitments you feel would prevent you from giving your full attention to this case, even if it runs 2 weeks or more?

19. Do you understand there are different counts for which the Defendant stands charged and you are not to be influenced either by the number of counts against the Defendant or your individual ruling on any one count?

20. Have you ever been the victim of someone trying to get ahead in life by unfair means? Please explain.

21. Would you be able to believe the government's case even if it depended upon witnesses presented by the government who have themselves been convicted of serious drug offenses and presently in jail.

22. Have you ever been falsely accused of anything? Please explain. How did the matter get resolved?

23. Would you be willing to deliberate and openly discuss with your fellow jurors about any of the doubts you may have, either from either the evidence presented

or from the failure of government to present evidence you feel material in the resolution of whether the government has met its burden of proof?

24. Do you understand that having discussions about your opinions is important to coming to a just verdict in this case? Can you accept the fact that perhaps the entire Jury may have overlooked something that you did not? Would you be able to speak up and discuss your feelings or would you stay quiet?

25. Would you give greater weight to a government witness than Defendant's witnesses?

26. In the American system of justice, it is said "better to acquit 100 guilty men than to convict 1 innocent man." What do you think about that statement? Do you think that is too extreme.

27. Do you accept the notion that people do tell falsehoods for their own personal gain? Have you ever experienced this. Please explain.

28. Will be able to evaluate the testimony of all witnesses without regard to who presents the witnesses testimony, be it the government or the defense.

29. If the Court were to instruct you, that "if two conclusions can reasonably be drawn from the evidence, one of innocence and one of guilt, and you must adopt the one of innocence," would you be able to follow such an instruction?

30. A defendant in a criminal case is presumed by law to be innocent. That presumption remains with him throughout the trial unless and until he is proven guilty of the crime charged by credible evidence beyond a reasonable doubt. Is this too much of a burden to ask of the government to prove.

31. The burden of proving defendant guilty beyond a reasonable doubt rests upon the government. This burden never shifts throughout the trial. The law does not require a defendant to provide his innocence or to produce any evidence. If the government fails to provide defendant guilty beyond a reasonable doubt the jury must acquit him. Is this too much to ask of the government to prove.

32. A reasonable doubt means a doubt that is based on reason and must not be based on speculation or probabilities. Is this too great of a burden for the government to have to meet?

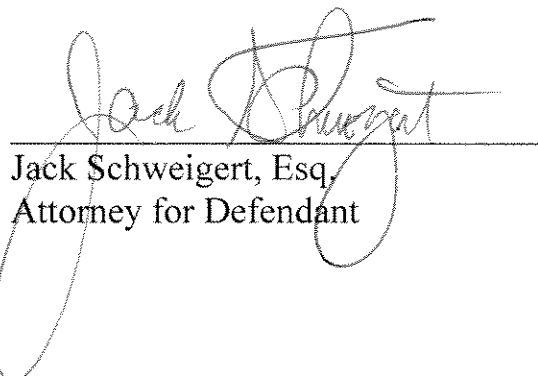
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00053 DAE
)	
Plaintiff,)	
)	CERTIFICATE OF SERVICE
vs.)	
)	
SILVER JOSE GALINDO,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

It is hereby certified that on August 21, 2007, one copy of the attached document was served on the below individual by U.S. Mail, first class postage pre-paid addressed as follows:

Darren W.K. Ching, Esq.
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd., Box 50183
Honolulu, HI 96850
Attorney for U.S.A.,



Jack Schweigert, Esq.
Attorney for Defendant